



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/827,412

Filing Date

April 19, 2004

First Named Inventor

Michael Freisthler

Art Unit

1755/Conf. # 2605

Examiner Name

David M. Brusnman

Attorney Docket Number

04047

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐Power of Attorney, Revocation  
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify  
below):

Return Postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Emch, Schaffer, Schaub &amp; Porcello Co., L.P.A.

Signature

Printed name

Patrick P. Pacella

Date

Nov 14, 2005

Reg. No.

25,463

**CERTIFICATE OF TRANSMISSION/MAILING**

Express Mail: EV439669772US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as ~~first class~~ mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: **Express**

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11/14/05

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04047

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Michael Freisthler  
Serial No: 10/827,412  
Filed: April 19, 2004  
For: BITUMINOUS COMPOSITION

Exr. David M. Brunsman  
Art Unit: 1755  
Confirmation No.: 2605

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

November 14, 2005

**RESPONSE**

Sir:

In response to the Office Action mailed September 29, 2005, please amend  
the above-identified patent application as follows: